

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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THOMAS RAY JACKSON,

Civil No. 07-3587 (JRT/FLN)

Plaintiff,

v.

WENGLER, SIEDL, JOAN FABIAN and  
REENA ABRAHAM,

**ORDER ADOPTING  
REPORT AND RECOMMENDATION  
OF MAGISTRATE JUDGE**

Defendants.

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Thomas Ray Jackson, #166109, Minnesota Correctional Facility, 7600 Five Hundred Twenty Fifth Street, Rush City, MN, prisoner *pro se*.

Based upon the Report and Recommendation of United States Chief Magistrate Judge Raymond L. Eric kson, and after an independent review of the files and records in this case, and on the fact that no objections have been filed to the Report and Recommendation, **IT IS HEREBY ORDERED** that:

1. That the Plaintiff's Complaint [Docket No. 1] is summarily dismissed pursuant to Title 28 U.S.C. §1915A(b)(1).
2. That the Plaintiff's Application to Proceed Without Prepayment of Fees, [Docket No. 2] is denied, as moot.
3. That the Plaintiff is relieved from paying the filing fee that would otherwise be due from him.
4. That, irrespective of summary dismissal, this action is not counted as a "strike" for purposes of Title 28 U.S.C. §1915(g).

DATED: November 2, 2007

at Minneapolis, Minnesota.

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge